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9 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
10 AND PAUL MIYAMOTO, IN HIS OFFICIAL
CAPACITY AS SAN FRANCISCO SHERIFF
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION
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16 JOSHUA SIMON, DAVID BARBER, AND
17 JOSUE BONILLA, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
18 SIMILARLY SITUATED, DIANA BLOCK,
AN INDIVIDUAL AND COMMUNITY
19 RESOURCE INITIATIVE, AN
ORGANIZATION,

20 Plaintiffs,

21 vs.

22 CITY AND COUNTY OF SAN
23 FRANCISCO, PAUL MIYAMOTO, IN HIS
OFFICIAL CAPACITY AS SAN
24 FRANCISCO SHERIFF,

25 Defendants.
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Case No. 4:22-cv-05541 JST

**DECLARATION OF UNDERSHERIFF
KATHERINE JOHNSON IN SUPPORT OF
MOTION TO MODIFY OR STAY IN PART
PRELIMINARY INJUNCTION**

Judge: Honorable Jon S. Tigar
Courtroom: Courtroom 6, 2nd Floor
Hearing Date: March 21, 2024 (Pending
Motion to Shorten Time)
Time: 2:00 p.m.

Date Action Filed: September 8, 2022
Trial Date: Not Set

DECLARATION OF UNDERSHERIFF KATHERINE JOHNSON

I, KATHERINE JOHNSON, declare as follows:

1. I am the Undersheriff at the San Francisco Sheriff's Office ("SFSO"). As Undersheriff, I supervise administration of the Pretrial Electronic Monitoring ("PTEM") Program. Except where otherwise indicated, the following facts are known to me personally, and if called upon as a witness, I would testify to them competently.

2. I submit this declaration in support of Defendants' Motion to Modify or Stay in Part Preliminary Injunction and Defendants' Administrative Motion to Shorten Time on Motion to Modify or Stay in Part Preliminary Injunction.

3. Based on a review of the SFSO's records by members of the SFSO's staff, I am informed and believe that the Court's injunction as to the warrantless search condition would affect 37 PTEM Program participants as of February 15, 2024.

4. The SFSO cannot implement the PTEM Program consistent with its public protection mandate without the warrantless search condition.

5. For any PTEM Program participants who have not yet been issued a revised EM Order by approximately four days before the injunction comes into effect—February 23, 2024, under the current schedule—the SFSO will need to present affidavit warrants to the Superior Court. The Superior Court will then decide if a warrant shall be issued.

6. Since issuance of the preliminary injunction, the SFSO has worked with the Superior Court and District Attorney's Office to try to expedite the pace with which these individuals receive a Superior Court hearing.

7. Based on a review of the SFSO's records including upcoming existing court dates in PTEM Program participants' cases, I believe the Superior Court could complete the hearing process for at least a majority of these class members with two additional weeks.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on this 16th day of February 2024, at San Francisco, California.

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7 UNDERSHERIFF KATHERINE JOHNSON
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